

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

INFORMATICA CORPORATION

Plaintiff,

No. C 02-03378 EDL

v.

ORDER REQUIRING CLARIFICATION
OF PRETRIAL FILINGS

BUSINESS OBJECTS DATA
INTEGRATION, INC.

Defendant.

To assist the Court by clarifying matters raised in the pretrial papers, the parties shall file and serve the following materials as soon as possible (not necessarily at the same time), and no later than February 15, 2007:

- 1) Redlined versions of each proposed jury instruction based on the Model Patent Jury Instructions of the Northern District of California, September 2004, indicating where it modifies the model instruction(s);
- 2) Where the parties dispute whether a matter has been adequately disclosed such that it may be raised at trial, the party responding to an objection of inadequate disclosure should provide citations to specific portions of transcripts or expert reports where a party contends that an expert or non-expert witness disclosed a particular subject matter, and/or specific portions of summary judgment or other briefs filed with the Court, and/or Final Infringement Contentions or Final Invalidity Contentions, such as (a) BODI's references to its Final Invalidity Contentions and the sufficiency of Dr. Kelly's report in paragraphs 15 through 22 of the Joint Pretrial Statement, and (b) Informatica's

argument in opposition to BODI's Motion In Limine No. 1: "There is no new theory asserted between the FICs and Mr. McGoveran's reports and testimony." Pl's Opp. Def's MIL No.1 at 8:27-9:1 and n.1.

- 3) For non-expert witnesses, identify their position(s) and/or role and dates of employment with a party, where applicable. This may be submitted as an amended Joint Pretrial Statement, revising the list of witnesses to be called in order to reflect this additional information.

IT IS SO ORDERED.

Dated: February 12, 2007

Elizabeth D. Laporte

ELIZABETH D. LAPORTE
United States Magistrate Judge